

BLANK ROME LLP  
Attorneys for Defendant  
Jeremy J.O. Harwood (JH 9012)  
405 Lexington Avenue  
The Chrysler Building  
New York, NY 10174  
(212) 885-5000

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DOPMAR S.R.L.,

Plaintiff,

- against -

BASIC COMMODITIES B.V.,

Defendant.

08 CIV 5009 (RPP)

**DECLARATION OF JEREMY J.O. HARWOOD**

I, JEREMY J.O. HARWOOD, declare under penalty of perjury:

1. I am a partner of Blank Rome LLP, counsel of record for Defendant Basic Commodities B.V. ("Basic"). I submit this declaration in support of Basic's Rule E motion to vacate an attachment order dated May 30, 2008 (the "PMAG") and in response to the declaration of Peter Jago, Esquire, dated July 31, 2008 ("Jago Dec.") as it purports to state facts.

2. Pursuant to the PMAG Plaintiff Dopmar S.r.L. ("Dopmar") has attached the sum of \$2,784,750 at American Express Bank.

### **OWNERSHIP OF THE VESSEL**

3. I attach as Exhibit 1 hereto a true copy of a Certificate issued on August 6, 2008 by the Consulate General of Panama, New York recording the registered owner in the Panama Public Registry of the M/V LIBERTAS as ATLANTIC MINIBULK AS (“Atlantic”).

4. I attach as Exhibit 2 hereto of the “Ship Overview” for the M/V LIBERTAS” (the “Vessel”) from Lloyd’s Register’s “Sea-web” directory showing, inter alia, Atlantic as the “registered owner” of the Vessel and Dopmar SrL as the Vessel’s “Shipmanager” and “Operator.”

### **THE LONDON ARBITRATION**

5. Dopmar and Mr. Jago claim that the London arbitration has “commenced.”

6. I attach as Exhibit 3 hereto my letter dated August 4, 2008 in response to Mr. Jago’s proposal for a sole arbitrator.

7. The Charter provides for no mechanism or procedural rules for arbitration and Basic objects to the suggestion of a “sole” arbitrator and has suggested a three-person tribunal.

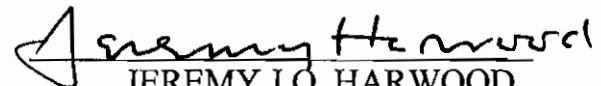
8. Dopmar has not yet responded.

### **PAYMENT OF THE CLAIM BY CARGO INSURERS**

9. Mr. Jago claims that “Dopmar’s Turkish lawyers have recently been informed that cargo underwriters have paid [the Turkish] cargo interests \$3,400,000 by way of settlement of the claim under the insurance policy ...”. Id., ¶ 13.

10. I have communicated with the Turkish lawyer, Mr. Ahmet Sinan Kilic, for the cargo interests that arrested the Vessel (the "Turkish Cargo Interests") who has confirmed that they have not been paid.

11. I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct.

  
JEREMY J.O. HARWOOD

Executed on August 8, 2008  
at New York, New York

# **EXHIBIT 1**

Consulate General of Panama  
New York

1212 Avenue of the Americas  
6th Floor  
New York, NY 10036 USA



Telephone: (212) 840-2450  
(212) 840-2451  
Fax: (212) 840-2469


*The Undersigned Consul General of the  
Consulate General of Panama  
In New York, United States of America*

*Certifies:*

*That in accordance to certification issued by the Public Registry the vessel "LIBERTAS", is duly registered under the ownership of ATLANTIC MINIBULK AS. with File Card (Ficha) 28067, Document (documento) 774446 since May 9, 2005.*

*That the vessel "LIBERTAS" is free from any registered encumbrances, or maritime liens whatsoever.*

*The above Certification is issued in accordance with certification issued by the Public Registry on August 6, 2008.*

  
Roberto Pascual  
Consul General



*Issued in New York, August 6, 2008/inc*

## **EXHIBIT 2**

**SHIP OVERVIEW**

Ship Name	<b>LIBERTAS</b>	Shiptype	<b>General Cargo Ship</b>
Year of Build	<b>1985</b>	LR/IMO Ship No.	<b>8220759</b>
Gross Tonnage	<b>4,433</b>	Deadweight	<b>7,250</b>
MMSI No.	<b>357216000</b>	Call Sign	<b>3EAV</b>
Status	<b>In Service/Commission</b>	Flag	<b>Panama</b>
Last Updated	<b>2008-07-30</b>	Data validated	<b>2007-05-04</b>

**REGISTRATION, P&I, AND COMMUNICATIONS**

Port of Registry	<b>Panama</b>	Flag	<b>Panama</b>
Official Number	<b>30793-05A</b>	Sat Com ID	
Sat Com Ans Back		Fishing Number	
P&I Club	<b>Unknown</b>		

**OWNERSHIP?**

Group Owner	<b>Atlantica Shipping AS</b>	Location	<b>Norway</b>		
Shipmanager	<b>Dopmar Srl</b>	Location	<b>Italy</b>		
Operator	<b>Dopmar Srl</b>	Location	<b>Italy</b>		
DOC Company	<b>Aleamar Srl</b>	Location	<b>Italy</b>	IMO Company No (DOC)	<b>5289612</b>
Registered Owner	<b>Atlantic Minibulk AS</b>	Location	<b>Norway</b>	IMO Registered Owner No	<b>5297776</b>
Technical Manager	<b>Aleamar Srl</b>	Location	<b>Italy</b>		

**COMMERCIAL HISTORY**

Date	Name	Flag	Group Owner	Operator	Manager	Registered Owner	DOC	Price
2008-06			Atlantica Shipping AS					
2007-07							Aleamar Srl (Italy)	
						Atlantic		

8/7/2008

2007-05	LIBERTAS			Dopmar Srl	Dopmar Srl	Minibulk AS	
2006-12							Aleamar Srl (Italy)
2005-04	Kevin	Panama	Intersea Management SA	Intersea Management SA	Intersea Management SA	Clavius Shpg Inc	Tradewood Shipping Co SAS (Italy)
2000-07							Monteverde Navigazione (Italy)
1995-02	Chica	Italy		Monteverde Navigazione	Monteverde Navigazione	Monteverde Navigazione	
1993-00	Sophie						
1993-10							\$4,250,00
1990-07	Sophie Rickmers	Antigua & Barbuda					\$4,900,00
1990-06			Rickmers Reederel GmbH & Cie			Mai Shipping	
1989-06			Tortas Deniz				
1989-03	Transporter						
1989-02		Panama					
1988-00	Durmus Usta						
1985-00	Haci Mustafa Torlak						
Originally Haci Mustafa Torlak							

## CLASS

Class: Registro Italiano Navale (1995-02-00), Class ID: 74007

### Class History

Date	Class	Status
1995-04-00	American Bureau of Shipping	(Disclassed)
1985-03-00	American Bureau of Shipping	In Class

## SURVEYS DUE

2009-05-31 Continuous Hull Survey, Registro Italiano Navale

## CONSTRUCTION OVERVIEW

Shiptype	General Cargo Ship	Built	1985	GT	4,433	Deadweight	7,250
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## EVENT TIMELINE

Date	Significant Events
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8/7/2008



2008-06	Group Owner Atlantica Shipping AS
2008-05	SMC Certificate issued by Germanischer Lloyd
2008-01	PSC Detained, SMC Certificate issued by Germanischer Lloyd
2007-08	PSC Inspected
2007-07	SMC Certificate issued by Germanischer Lloyd, SMC Certificate issued by Germanischer Lloyd
2007-05	Name changed to LIBERTAS, PSC Detained, Operater Dopmar Srl, Owner Atlantic Minibulk AS, Ship Manager Dopmar Srl
2007-02	Status changed to In Service/Commission
2007-01	Status changed to In Casualty Or Repairing, In Casualty
2006-12	SMC Certificate issued by GL
2006-09	PSC Detained
2005-12	PSC Inspected
2005-10	PSC Inspected, SMC Certificate issued by RINA
2005-07	SMC Certificate issued by RINA
2005-05	PSC Inspected
2005-04	Name changed to Kevin, Flagged by Panama, SMC Certificate issued by RINA, Operater Intersea Management SA, Technical Manager Alemar Srl, Technical Manager Tradewood Shipping Co SAS, Owner Clavius Shpg Inc, Ship Manager Intersea Management SA, Group Owner Intersea Management SA
2004-11	PSC Inspected
2004-08	PSC Inspected
2004-03	PSC Inspected
2003-08	PSC Inspected
2001-12	PSC Inspected
2001-08	PSC Inspected
2001-05	Status changed to In Service/Commission
2001-03	Status changed to Laid-Up
2000-07	SMC Certificate issued by ITALY, Technical Manager Monteverde Navigazione
2000-05	PSC Detained
1995-04	Disclassed AB
1995-02	Name changed to Chica, Classed RI, Flagged by Italy, Operater Monteverde Navigazione, Owner Monteverde Navigazione, Ship Manager Monteverde Navigazione
1993-00	Name changed to Sophie
1990-07	Name changed to Sophie Rickmers, Flagged by Antigua & Barbuda
1990-06	Owner Mai Shipping, Group Owner Rickmers Reederei GmbH & Cie
1990-02	In Casualty
1989-06	Group Owner Tortas Deniz
1989-03	Name changed to Transporter
1989-02	Flagged by Panama
1988-00	Name changed to Durmus Usta
1985-03	Classed AB, Status changed to In Service/Commission
1985-00	Name changed to Haci Mustafa Torlak
1984-04	Status changed to Launched
1983-08	Status changed to Keel Laid
1983-03	Status changed to Under Construction

## PHOTOGRAPHS

Name when taken

Kevin

8/7/2008



Date of Photo  
Copyright

**2006-03-20**  
**Fotoflite**



Name when taken  
Date of Photo  
Copyright

**Kevin**  
**2006-03-20**  
**Fotoflite**



Name when taken  
Date of Photo  
Copyright

**Chica**  
**1996-05-07**  
**Fotoflite**



Name when taken  
Date of Photo  
Copyright

**Sophie Rickmers**  
**1993-02-25**  
**Fotoflite**



Name when taken  
Date of Photo  
Copyright

**Libertas**  
**hasenpusch-photo@t-online.de**

## **EQUASIS**

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To view information available on Equasis for this vessel click on the button below.  
Equasis is a public web-site promoting quality shipping, and this access from  
Sea-web has the approval of the Equasis Secretariat.



## **INMARSAT**

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To view information available on the Inmarsat Ships Directory for this vessel, click on the button below.



This link is by ship name, so please ensure that you are viewing the correct ship in the Directory. If you cannot see the ship you can search again directly in the Directory. Please note that the Directory displays each Inmarsat terminal separately for each ship.

## **FIXTURES**

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To add this optional module to your subscription simply click here

## **SHIP NEWS STORIES**

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**This vessel has been linked with the following News stories (at most 50 are shown)**  
**(The service is only available to subscribers to Fairplay International Shipping Weekly)**

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## **EXHIBIT 3**



*Phone:* (212) 885-5149  
*Fax:* (917) 332-3720  
*Email:* JHarwood@BlankRome.com

August 4, 2008

**BY E-MAIL - PJAGO@M-F-B.CO.UK**

MFB  
45 Moorfields  
London EC2Y 9AE  
Attn: Peter Jago

Re: M/V "LIBERTAS" Charterparty dated 14/02/08  
Your Ref: PCJ/BMM/0121/285956  
Our Ref.: 130260-00601

Dear Peter:

Thank you for your letter dated July 28, 2008. I have reviewed the brokers' fixture files. It is clear that this Charter was fixed on the basis of:

"GA/ARB IN LONDON ENGLISH LAW

OTHERWISE MERCHANTS B/N."

In this respect Exhibit 4 to the Declaration of Garth Wolfson dated August 1, 2008 in the New York action is the "charterparty between plaintiff and Basic" which includes the "Additional Clauses to" Conline booking 2000 "liner booking note." Accordingly, while we agree that the fixture recap provides for London arbitration, as you state, all other terms and conditions as stated in the additional clauses are applicable.

Turning, therefore, to your proposal for a sole arbitrator in the absence of any agreement, as stated above, as to how the tribunal should be constituted, we have consulted with our client and propose that there be a three person panel with two party appointed arbitrators.

B L A N K



ROME LLP  
COUNSELORS AT LAW

August 4, 2008  
Page 2

Best regards.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jeremy J.O. Harwood".  
Jeremy J.O. Harwood

JJH:rk